



1-B East Jefferson Street, Post Office Box 1799, Quincy, FL 32353-1799
Phone: (850) 875-8663 Fax: (850) 875-7280
E-mail: planning@gadsdencountyfl.gov Web site: www.gadsdencountyfl.gov

**APPLICATION TO PETITION TO VACATE AND ABANDON
PUBLIC STREETS, ALLEYS, EASEMENTS, ETC.**

In accordance with Chapter 7, Section 7400, Subsection 7401, of the Gadsden County Land Development Code, entitled "Vacation of Rights-Of-Way and Public Easements."

PROPERTY OWNER INFORMATION Property Owner as indicated on deed: _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Phone: _____ E-Mail: _____
--

AUTHORIZED REPRESENTATIVE INFORMATION Agent/Applicant Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Phone: _____ E-Mail: _____
--

Address & Location of Property: _____

Parcel ID # for Subject Parcel: _____

Size of Parcel (acreage must agree w/legal and survey): _____

Future Land Use Category: _____ Existing Land Use: _____

Reason for Request and data & analysis supporting compliance with the above referenced vacation criteria. This information may be attached as a separate sheet(s). If so indicate: _____

Submittal Requirements:

The following items are required to be submitted with the completed application:

- _____ Application fee of \$950.00 (cash, check or money order) payable to the Gadsden County Board of County Commissioners or Gadsden County BOCC.
- _____ Completed Application with supporting documentation (2 signed originals plus 13 copies of originals) and a scanned .pdf of the entire package.
- _____ Copy of most recent recorded deed for subject parcel(s), right-of-way or easement.
- _____ Signed and sealed boundary survey with legal description prepared by a FL licensed surveyor and mapper of area to be vacated. The boundary survey must include: a scale, north arrow, flood zone determination, dimensions of property to be abandoned, OR book and Page, location of wetlands, location of existing structures, location of existing septic tank systems, location of existing water wells, location of all existing easements and the location of all public and private utility facilities.
- _____ Site Plan or survey document demonstrating existing conditions and proposed vacation graphically including.
- _____ Notarized letter of authorization of signature of all property owners and/or entity if applicant is not property owner.
- _____ Certificates showing that all state and county taxes have been paid on the subject parcel(s).
- _____ Narrative addressing the vacation criteria of Subsection 7404.A of the Gadsden County Land Development Code and §177.101F.S., as applicable.

If exhibits including photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, these instruments are required to be left with County Clerk's representative. By law, those instruments become public records and cannot be returned to you. The public hearing before the Board of County Commissioners is considered quasi-judicial in nature. Decisions should be the result of the evidence presented at the hearing. Applicants should review Section 7302 of the Land Development Code and provide written justification for the appeal. If you wish to appeal any determination of the Board of County Commissioners to the appropriate legal jurisdiction, you will need a verbatim transcript of the record and copies of all the evidence presented. It is the applicant's responsibility to provide a verbatim record.

I agree that Gadsden County personnel or any assigned agents may enter the property for the purpose of verifying the conditions that affect this application, for periodic inspections and to verify information that I provided as part of this application.

I have read and understood all the information provided in this application, the requirements listed within the application, and agree to provide the necessary information requested by Gadsden County. The information I have provided on this application is true and correct to the best of my knowledge.

I am the legal owner of the property described which is the subject matter of this application. Under penalties of perjury, I declare that I have read said application and all drawings, data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I am giving the County or agent thereof the authority to duplicate, disseminate and reproduce any and all items submitted as part of this request, whether copyrighted or not.

SIGNATURE of PROPERTY OWNER

DATE of SIGNATURE

PRINTED NAME of PROPERTY OWNER

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20____,
by _____ who is personally known to me, or has produced _____ as
identification and who did (did not) take an oath.

Signature of Notary Public – State of Florida

Print Name:

Gadsden County Land Development Code

SECTION 7400. VACATION OF RIGHTS-OF-WAY.

Subsection 7401. Vacation of Rights-Of-Way and Public Easements.

- A. Vacation Criteria: A proposal to vacate a right-of-way, or easement or other public place shall be conducted under the Type IV procedure with supplements or modifications required to comply with State law. A proposal to vacate a right-of-way, easement or other public place shall be filed on the appropriate application to the Board of County Commissioners. The County Commission shall make affirmative findings on the following criteria if the vacation is to be granted:
1. The proposal is consistent with the Comprehensive Plan.
 2. The public interest will not be compromised by the vacation.
 3. The vacation will not prevent any property from having access to a public right-of-way.
 4. The market value of abutting properties may not be substantially reduced without the consent of the owners of the affected properties, or unless provisions have been made to pay damages.
- B. Conditions Attached to a Vacation: The following reservation or conditions may be attached to the approval of the vacation:
1. Retention of an easement for a public utility or other public service facility and limitations on the use of the area adjacent to such facility.
 2. Construction or removal of a County or other public service utility.
 3. Re-platting in or abutting the area to be vacated.
 4. Other matters related to any of the following:
 - a. The area to be vacated.
 - b. A remaining or relocated street area within or adjacent to the vacated property.
 - c. An area dedicated or reserved as a condition of the vacation.

(Ord. # 1996-005, 7-2-06)

177.101 Vacation and annulment of plats subdividing land.—

(1) Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date, and no conveyances of lots by reference to the first plat so filed appears of record in such county, the governing body of the county is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon the application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. [194.171](#), the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. [194.192](#) adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such

litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971, are hereby validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.

History.—s. 1, ch. 71-339; s. 1, ch. 79-86; s. 32, ch. 87-224; s. 9, ch. 98-20.